

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LARRY RICHARDS,
Plaintiff,

v.

ROCHELLE P. WALENSKY, et al.,
Defendants.

Case No. 21-cv-05128-HSG

ORDER OF DISMISSAL

Re: Dkt. No. 11


On July 2, 2021, Plaintiff filed this *pro se* complaint against numerous Defendants, including various government officials and Dr. Masami Hattori (collectively “Defendants”). Dkt. No. 1. On the same day, Plaintiff also filed a motion asking the Court to issue a temporary restraining order “restraining the Defendants from continuing to reduce the quantities of his prescriptions.” Dkt. No. 3 at 4. On July 6, 2021, the Court dismissed the complaint with leave to amend and denied the motion for a temporary restraining order. Dkt. No. 7. The Court advised Plaintiff that his amended complaint needed to “lay out the required short, plain and clear statement . . . so the Court can evaluate whether there is a sufficient legal basis for the claims.” Dkt. No. 7 at 4. On July 6, 2021, Plaintiff filed a first amended complaint, Dkt. No. 8, and on July 20, 2021, Plaintiff filed a second ex parte application for a temporary restraining order, Dkt. No. 9. On July 22, 2021, the Court reviewed the complaint and dismissed it for failure to state a claim on which relief may be granted. Dkt. No. 10 (“July 22, 2021 Order”). The Court also denied the motion for a temporary restraining order without prejudice to renewal following the filing of a complaint that sufficiently alleges a claim for relief. *Id.* In the July 22, 2021 Order, the Court granted Plaintiff one final chance to file an amended complaint and gave Plaintiff forty-five (45) days to do so. *Id.* The deadline to file a second amended complaint has passed, and Plaintiff has

1 neither filed a second amended complaint nor otherwise communicated with the Court.

2 Accordingly, for these reasons and the ones stated in the Court's July 22, 2021 Order, this
3 action is **DISMISSED**. The dismissal is without prejudice to filing a motion to reopen
4 accompanied by a proposed second amended complaint that addresses the deficiencies identified
5 in the Court's July 22, 2021 Order and showing good cause for the failure to timely file a second
6 amended complaint. The Clerk shall close the file.

7 **IT IS SO ORDERED.**

8 Dated: 10/1/2021

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10 HAYWOOD S. GILLIAM, JR.
11 United States District Judge
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